

**EIGHTY-FOURTH GENERAL ASSEMBLY  
2011 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MARCH 22, 2011

**HOUSE FILE 590**

**H-1389**

1 Amend House File 590 as follows:  
2 1. Page 24, before line 27 by inserting:  
3 <Sec. \_\_\_\_\_. Section 15.301, subsection 1, paragraphs  
4 a and c, Code 2011, are amended to read as follows:  
5 a. A save our small businesses fund is created in  
6 the state treasury under the control of the ~~department~~  
7 authority and consisting of any moneys appropriated to  
8 the fund by the general assembly and any other moneys  
9 available and obtained or accepted by the ~~department~~  
10 authority for placement in the fund.  
11 c. (1) If, on March 31, ~~2011~~ 2012, there are  
12 unobligated moneys in the fund, such unobligated moneys  
13 shall revert to the general fund of the state.  
14 (2) For each quarter, beginning with the first  
15 quarter after the reversion of moneys pursuant to  
16 subparagraph (1) and ending with the last quarter prior  
17 to the reversion of moneys pursuant to subparagraph  
18 (3), the ~~department~~ authority shall, on the last day of  
19 the quarter, transfer to the general fund of the state  
20 the balance of unencumbered moneys in the fund.  
21 (3) On March 31, ~~2016~~ 2017, all moneys in the fund  
22 shall revert to the general fund of the state.  
23 Sec. \_\_\_\_\_. Section 15.301, subsection 2, paragraphs  
24 a, b, and e, Code 2011, are amended to read as follows:  
25 a. The ~~department~~ authority shall establish  
26 and administer a program for purposes of providing  
27 financial assistance to eligible small businesses.  
28 For purposes of this section, "financial assistance"  
29 means loans at an interest rate not to exceed three  
30 and nine-tenths percent per annum and "eligible  
31 small business" means a small business meeting the  
32 requirements of subsection 3. In administering the  
33 program, the authority may negotiate the terms on  
34 which the financial assistance is provided and may  
35 include such terms in the loan agreements as are best  
36 designed to effectuate the program's goals. Such terms  
37 may provide for up to six months of interest-free  
38 financing.  
39 b. (1) The ~~department~~ authority may designate  
40 an organization to administer the provisions of this  
41 section on the ~~department's~~ authority's behalf.  
42 (2) In order to be designated, an organization must  
43 be a nonprofit organization exempt from taxation under  
44 section 501(c)(3) of the Internal Revenue Code and  
45 must be designated by the United States small business  
46 administration as a statewide microloan program  
47 provider.  
48 (3) If the ~~department~~ authority elects to designate  
49 an organization pursuant to subparagraph (1), the  
50 ~~department~~ authority shall enter into an agreement with

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1 the organization for purposes of ensuring that the  
2 program is administered pursuant to the requirements  
3 of this section.

4 (4) An organization designated pursuant to  
5 subparagraph (1) may accept, evaluate, and approve  
6 applications for financial assistance from eligible  
7 small businesses pursuant to the requirements of this  
8 section and may monitor the compliance of eligible  
9 businesses with the terms of an agreement entered into  
10 with the ~~department~~ authority.

11 (5) All disbursements of moneys to recipients  
12 of financial assistance approved by an organization  
13 designated pursuant to subparagraph (1) shall be made  
14 by the ~~department~~ authority.

15 (6) All repayments of principal and interest on  
16 financial assistance provided under the program shall  
17 be remitted to the ~~department~~ authority and deposited  
18 in the fund.

19 (7) The ~~department~~ authority, with the assistance  
20 of an organization designated pursuant to subparagraph  
21 (1), may seek the recapture of financial assistance  
22 provided pursuant to this section as provided in  
23 subsection 4.

24 e. The ~~department~~ authority, under the terms of an  
25 agreement with ~~the~~ an organization designated pursuant  
26 to paragraph "b", shall begin to provide financial  
27 assistance from the fund not later than August 1,  
28 2010, and shall to the extent practicable obligate all  
29 available moneys in the fund prior to March 31, ~~2011~~  
30 2012.

31 Sec. \_\_\_\_\_. Section 15.301, subsection 3, paragraph  
32 d, Code 2011, is amended to read as follows:

33 d. The business has a business plan and has  
34 received assistance in the development stage or the  
35 expansion stage from a one of the following:

36 (1) A small business development center or from a .

37 (2) A qualified public or nonprofit small business  
38 consultant as defined by the ~~department~~ authority.

39 (3) A bank, credit union, or extension office  
40 deemed capable of administering the provisions of this  
41 section by the authority.

42 Sec. \_\_\_\_\_. Section 15.301, subsection 4, unnumbered  
43 paragraph 1, Code 2011, is amended to read as follows:

44 Upon approval of the application for financial  
45 assistance by the ~~department~~ authority or an  
46 organization designated pursuant to subsection 2,  
47 paragraph "b", the eligible business shall enter into  
48 an agreement with the ~~department~~ authority which shall  
49 include but not be limited to all of the following  
50 provisions:

1 Sec. \_\_\_\_\_. Section 15.301, subsection 5, paragraph  
2 b, Code 2011, is amended to read as follows:

3 b. An eligible business that receives financial  
4 assistance under this section may subsequently  
5 apply for financial assistance under other programs  
6 administered by the ~~department~~ authority.

7 Sec. \_\_\_\_\_. Section 15.301, subsections 6 and 7, Code  
8 2011, are amended to read as follows:

9 6. a. The small business development centers shall  
10 track the number of referrals for assistance made to  
11 the ~~department~~ authority for assistance under this  
12 section and shall include that number in the small  
13 business development center's annual report to the  
14 general assembly.

15 b. The ~~department~~ authority in conjunction with  
16 an organization designated pursuant to subsection  
17 2, paragraph "b", shall by January 15 of each year  
18 submit a report on the program administered pursuant  
19 to this section to the general assembly. The report  
20 shall include information on the number of businesses  
21 that receive loans under the program and any other  
22 information the ~~department~~ authority deems relevant to  
23 assessing the success of the program.

24 7. The ~~department~~ authority shall adopt rules  
25 pursuant to chapter 17A as necessary to administer the  
26 program. The ~~department~~ authority may adopt emergency  
27 rules under section 17A.4, subsection 3, and section  
28 17A.5, subsection 2, paragraph "b", as necessary for  
29 the administration of this section.>

30 2. Page 26, before line 30 by inserting:

31 <Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1184, section  
32 43, is amended to read as follows:

33 SEC. 43. SAVE OUR SMALL BUSINESSES FUND  
34 APPROPRIATION. There is appropriated from the school  
35 infrastructure fund created in section 12.82 to the  
36 department of economic development or a successor  
37 entity for deposit in the save our small businesses  
38 fund for the fiscal year beginning July 1, 2010, and  
39 ending June 30, 2011, the following amount, or so much  
40 thereof as is necessary, to be used for the purposes  
41 designated:

42 For purposes of providing financial assistance under  
43 the save our small businesses program under section  
44 15.301:

45 ..... \$ 5,000,000

46 Of the moneys appropriated pursuant to this section,  
47 the department or a successor entity may allocate an  
48 amount not to exceed ~~two~~ three percent of the moneys  
49 appropriated for purposes of retaining the services of  
50 an organization designated pursuant to section 15.301,

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1 subsection 2, paragraph "b", and for administrative  
2 expenses incurred by the department or a successor  
3 entity.

4 Notwithstanding section 8.33, moneys appropriated to  
5 the department or a successor entity in this section  
6 that remain unencumbered or unobligated at the close  
7 of the fiscal year shall not revert but shall remain  
8 available for expenditure for the purposes designated.

9 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The section  
10 of this division of this Act amending section 15.301,  
11 being deemed of immediate importance, takes effect upon  
12 enactment.>

13 3. By renumbering as necessary.

**By** THOMAS of Clayton

**H-1389** FILED MARCH 21, 2011

**HOUSE FILE 244**

**H-1393**

1 Amend House File 244 as follows:

2 1. Page 2, line 16, after <1,> by inserting <and  
3 upon court order,>

4 2. By renumbering as necessary.

**By** PEARSON of Polk

**H-1393** FILED MARCH 21, 2011

**HOUSE FILE 458**

**H-1405**

1 Amend House File 458 as follows:

2 1. Page 2, after line 3 by inserting:

3 <\_\_\_\_. A person, firm, or corporation performing  
4 labor for or furnishing materials to a subcontractor  
5 who notifies the principal contractor in writing as  
6 provided in subsection 1, paragraph "a", more than  
7 forty-five calendar days after first performing the  
8 labor or furnishing the materials for the public  
9 improvement shall be entitled to a claim against the  
10 retainage or bond under this chapter only for labor  
11 performed or materials furnished after the date on  
12 which the written notice was provided.>

13 2. By renumbering as necessary.

**By** BALTIMORE of Boone

**H-1405** FILED MARCH 21, 2011

HOUSE FILE 497

H-1395

1 Amend House File 497 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 249A.15A, Code 2011, is amended  
5 to read as follows:

6 249A.15A Licensed marital and family therapists ~~and,~~  
7 licensed master social workers, and licensed mental  
8 health counselors.

9 1. The department shall adopt rules pursuant to  
10 chapter 17A entitling marital and family therapists  
11 who are licensed pursuant to chapter 154D to payment  
12 for behavioral health services provided to recipients  
13 of medical assistance, subject to limitations and  
14 exclusions the department finds necessary on the basis  
15 of federal laws and regulations.

16 2. The department shall adopt rules pursuant to  
17 chapter 17A entitling master social workers who hold  
18 a master's degree approved by the board of social  
19 work, are licensed as a master social worker pursuant  
20 to section 154C.3, subsection 1, paragraph "b", and  
21 provide treatment services under the supervision of an  
22 independent social worker licensed pursuant to section  
23 154C.3, subsection 1, paragraph "c", to payment for  
24 behavioral health services provided to recipients  
25 of medical assistance, subject to limitations and  
26 exclusions the department finds necessary on the basis  
27 of federal laws and regulations.

28 3. The department shall adopt rules pursuant to  
29 chapter 17A entitling mental health counselors who  
30 are licensed pursuant to chapter 154D to payment for  
31 behavioral health services provided to recipients  
32 of medical assistance, subject to limitations and  
33 exclusions the department finds necessary on the basis  
34 of federal laws and regulations.

35 Sec. 2. MEDICAL ASSISTANCE STATE PLAN ---- MENTAL  
36 HEALTH COUNSELORS. The department of human services  
37 shall amend the medical assistance state plan to allow  
38 mental health counselors licensed in the state to be  
39 participating behavioral health providers under the  
40 medical assistance program.>

41 2. Title page, by striking lines 1 through 3 and  
42 inserting <An Act relating to entitling mental health  
43 counselors to payment for behavioral health services  
44 provided under the Medicaid program.>

**By** SCHULTE of Linn

H-1395 FILED MARCH 21, 2011

HOUSE FILE 514

H-1402

1 Amend House File 514 as follows:

2 1. Page 1, after line 27 by inserting:

3 <Sec. \_\_\_\_\_. Section 455B.105, subsection 11, Code  
4 2011, is amended by adding the following new paragraph:

5 NEW PARAGRAPH. d. Any fee schedule adopted by the  
6 commission regarding the regulation of division IV,  
7 part 1 of this chapter shall not include fees that  
8 exceed the actual, identifiable amount necessary for  
9 such regulatory activities.

10 Sec. \_\_\_\_\_. Section 455B.304, Code 2011, is amended  
11 by adding the following new subsection:

12 NEW SUBSECTION. 20. The commission shall adopt  
13 rules prohibiting a planning area from imposing a fee  
14 on the disposal of solid waste, including construction  
15 and demolition waste, at a sanitary landfill outside  
16 the planning area when the solid waste is being hauled  
17 by the person who generated the solid waste inside the  
18 planning area and the solid waste does not exceed one  
19 ton at the time of disposal.>

20 2. By renumbering as necessary.

**By** WATTS of Dallas

H-1402 FILED MARCH 21, 2011

## HOUSE FILE 549

### H-1399

1 Amend House File 549 as follows:

2 1. By striking page 1, line 16, through page 3,  
3 line 25, and inserting:

4 <d. Any official traffic-control device, if failure  
5 to comply with the official traffic-control device  
6 constitutes a violation under this chapter.

7 Sec. \_\_\_\_\_. NEW SECTION. 321.5A Automated traffic  
8 enforcement systems prohibited.

9 The department or a local authority shall not place  
10 or cause to be placed on or adjacent to a highway, or  
11 maintain or employ the use of, an automated traffic  
12 enforcement system for the enforcement of any provision  
13 of this chapter or any local ordinance relating to  
14 motor vehicles.

15 Sec. \_\_\_\_\_. REMOVAL OF AUTOMATED TRAFFIC ENFORCEMENT  
16 SYSTEMS ---- VALIDITY OF PRIOR NOTICES AND CITATIONS. A  
17 local authority using an automated traffic enforcement  
18 system on the effective date of this section of this  
19 Act shall discontinue using the system and remove the  
20 system equipment by July 1, 2011. Effective July 1,  
21 2011, all local ordinances authorizing the use of  
22 an automated traffic enforcement system are void.  
23 However, notices of violations mailed or citations  
24 issued pursuant to such an ordinance prior to July 1,  
25 2011, shall not be invalidated by the enactment of this  
26 Act and shall be processed according to the provisions  
27 of the law under which they were authorized.

28 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The section of  
29 this Act relating to the removal of automated traffic  
30 enforcement systems and the validity of prior notices  
31 and citations, being deemed of immediate importance,  
32 takes effect upon enactment.>

33 2. Title page, line 1, by striking <relating to>  
34 and inserting <prohibiting>

35 3. Title page, line 2, after <systems> by inserting  
36 <and requiring the removal of existing systems, and  
37 including effective date provisions>

38 4. By renumbering as necessary.

**By** ROGERS of Black Hawk

H-1399 FILED MARCH 21, 2011

## HOUSE FILE 561

### H-1392

1 Amend House File 561 as follows:

2 1. Page 2, line 20, after <licensing,> by inserting  
3 <operation that does not endanger the public or  
4 environment,>

**By** LENSING of Johnson

H-1392 FILED MARCH 21, 2011

## HOUSE FILE 594

### H-1394

1 Amend House File 594 as follows:  
2 1. Page 1, by striking lines 31 and 32 and  
3 inserting:  
4 <3. The bylaws shall not prohibit or restrict a  
5 member from displaying the flag of the United States  
6 on residential>  
7 2. By striking page 1, line 35, through page 2,  
8 line 1.  
9 3. Page 3, by striking lines 5 and 6 and inserting:  
10 <2. The bylaws shall not prohibit or restrict an  
11 owner from displaying the flag of the United States on  
12 residential>  
13 4. Page 3, by striking lines 9 and 10.  
By WATTS of Dallas

H-1394 FILED MARCH 21, 2011

## HOUSE FILE 594

### H-1403

1 Amend House File 594 as follows:  
2 1. Page 1, after line 7 by inserting:  
3 <Sec. \_\_\_\_ . NEW SECTION. 414.27 Display of American  
4 flag or campaign signs.  
5 A regulation or restriction pertaining to the use of  
6 residential property that prohibits the display of the  
7 American flag or the display of a political sign within  
8 six weeks of the day of an election, is void as against  
9 the public policy of this state and shall not be given  
10 legal or equitable effect.>  
11 2. Page 1, by striking lines 31 and 32 and  
12 inserting:  
13 <3. The bylaws shall not prohibit or restrict a  
14 member from displaying the flag of the United States  
15 on residential>  
16 3. By striking page 1, line 35, through page 2,  
17 line 1.  
18 4. Page 3, by striking lines 5 and 6 and inserting:  
19 <2. The bylaws shall not prohibit or restrict an  
20 owner from displaying the flag of the United States on  
21 residential>  
22 5. Page 3, by striking lines 9 and 10.  
23 6. By renumbering as necessary.  
By WATTS of Dallas

H-1403 FILED MARCH 21, 2011



HOUSE FILE 603

H-1400

1 Amend House File 603 as follows:

2 1. Page 10, after line 1 by inserting:

3 <Sec. \_\_\_\_\_. Section 476.27, subsection 1, paragraph  
4 g, Code 2011, is amended to read as follows:

5 g. "Railroad right-of-way" means one or more of the  
6 following:

7 (1) A right-of-way or other interest in real estate  
8 that is owned or operated by a railroad corporation,  
9 or the trustees of a railroad corporation,~~or the~~  
10 ~~successor in interest of a railroad corporation.~~

11 (2) A right-of-way or other interest in real  
12 estate that is occupied or managed by or on behalf  
13 of a railroad corporation, or the trustees of a  
14 railroad corporation,~~or the successor in interest of a~~  
15 ~~railroad corporation, including an abandoned railroad~~  
16 ~~right-of-way that has not otherwise reverted pursuant~~  
17 ~~to chapter 327G.~~

18 ~~—(3) Another interest in a former railroad~~  
19 ~~right of way that has been acquired or is operated by a~~  
20 ~~land management company or similar entity.>~~

21 2. Title page, line 1, after <procedures> by  
22 inserting <, certain rights-of-way,>

23 3. By renumbering as necessary.

**By KAUFMANN of Cedar**

H-1400 FILED MARCH 21, 2011

## HOUSE FILE 603

### H-1406

1 Amend House File 603 as follows:

2 1. Page 1, by striking lines 1 through 24.

3 2. Page 1, line 31, after <condemnation> by  
4 inserting <, unless such condemnation is undertaken by  
5 the department of transportation>

6 3. Page 2, line 3, after <governor.> by inserting  
7 <The approval requirements of this subsection shall not  
8 apply to condemnation undertaken by the department of  
9 transportation.>

10 4. Page 2, before line 4 by inserting:

11 <Sec. \_\_\_\_\_. Section 6A.19, Code 2011, is amended to  
12 read as follows:

13 6A.19 Interpretative clause.

14 A grant in this chapter of right to take private  
15 property for a public use shall not be construed as  
16 limiting a like grant elsewhere in the Code for another  
17 and different use. Unless specifically provided by  
18 law, this chapter shall not be construed to limit or  
19 otherwise affect the application of chapters 478 and  
20 479 to the eminent domain authority of the utilities  
21 division of the department of commerce.>

22 5. Page 2, by striking lines 10 through 16 and  
23 inserting <In addition, the acquiring agency shall  
24 conduct a review of prudent and feasible alternatives  
25 to provision of a drinking water source prior to making  
26 a determination that such lake development or creation  
27 is reasonable and necessary.>

28 6. By striking page 2, line 34, through page 3,  
29 line 8, and inserting <by one or more registered  
30 professional engineers. The registered professional  
31 engineers may employ standards or guidelines other  
32 than those recommended by the acquiring agency when  
33 determining the number of acres justified as reasonable  
34 and necessary for a surface drinking water source. The  
35 data and information used by the professional engineers  
36 to determine the drinking water capacity needs shall  
37 include data and information relating to population  
38 and commercial enterprise activity for the area from  
39 the two most recent federal decennial censuses unless  
40 the district court of the county in which the property  
41 is situated has determined by a preponderance of the  
42 evidence that such data would not accurately predict  
43 the population and commercial enterprise activity of  
44 the area in the future.>

45 7. Page 3, by striking lines 10 through 13 and  
46 inserting <capacity needs shall be performed upon  
47 receipt by the acquiring agency of a petition signed  
48 by not less than twenty-five percent of the affected  
49 property owners. The engineer to perform the second  
50 review or analysis shall be selected by a committee

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1 appointed by the affected property owners and comprised  
2 of at least fifty percent property owners affected by  
3 the proposed condemnation action. The>

4 8. Page 3, by striking lines 21 through 28.

5 9. Page 3, by striking line 31 and inserting:

6 <3. a. (1) For Except as provided in subparagraph  
7 (2), for any action brought under this section, the  
8 burden>

9 10. Page 3, by striking line 35 and inserting  
10 <meets the definition of those terms.

11 a. For any action brought under this section  
12 relating to condemnation undertaken by the department  
13 of transportation, the burden of proof shall be on the  
14 department to prove by a preponderance of the evidence  
15 that the finding of public use, public purpose, or  
16 public improvement meets the definition of those terms.

17 b. If a property owner or a>

18 11. Page 4, by striking line 9 and inserting: <<

19 1. The authority of an acquiring agency that is  
20 not the department of transportation to condemn is not  
21 conferred, and the>

22 12. Page 4, after line 18 by inserting:

23 <2. The authority of the department of  
24 transportation to condemn is not conferred, and the  
25 condemnation proceedings shall not commence, unless  
26 the department approves the use of condemnation and  
27 there is a reasonable expectation the department will  
28 be able to achieve its public purpose, comply with  
29 all applicable standards, and obtain the necessary  
30 permits.>

31 13. By striking page 4, line 19, through page 5,  
32 line 35.

33 14. Page 6, line 17 , by striking <begun> and  
34 inserting <progressed substantially from the date the  
35 property was condemned>

36 15. Page 7, by striking lines 5 through 24.

37 16. By renumbering as necessary.

**By KAUFMANN of Cedar**

HOUSE FILE 619

H-1398

1 Amend House File 619 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 99B.7, subsection 8, Code 2011,  
5 is amended to read as follows:

6 8. a. A qualified organization licensed under this  
7 section shall purchase bingo equipment and supplies  
8 only from a manufacturer or a distributor licensed by  
9 the department.

10 b. A qualified organization may also lease  
11 electronic bingo equipment from a manufacturer or  
12 distributor licensed by the department for the purposes  
13 of aiding disabled individuals during a bingo occasion.  
14 "Electronic bingo equipment" for the purposes of this  
15 paragraph means an electronic device that aids in  
16 the use of a bingo card during a bingo game. Such  
17 electronic bingo equipment shall only be permitted for  
18 use by disabled individuals.>

19 2. Title page, by striking lines 1 through 4 and  
20 inserting <An Act allowing qualified organizations to  
21 lease certain electronic bingo equipment in order to  
22 assist disabled participants.>

By IVERSON of Wright

H-1398 FILED MARCH 21, 2011

HOUSE FILE 643

H-1391

1 Amend House File 643 as follows:  
2 1. Page 1, after line 28 by inserting:  
3 <Sec. \_\_\_\_\_. Section 466B.3, subsection 6, paragraph  
4 b, Code 2011, is amended by adding the following new  
5 subparagraph:  
6 NEW SUBPARAGRAPH. (07) Review and assess the water  
7 monitoring plan of the department of natural resources  
8 and develop a protocol to prioritize the use of the  
9 state's water quality monitoring resources.>  
10 2. Page 5, line 24, before <administering> by  
11 inserting <implementing and>  
12 3. Page 5, after line 30 by inserting:  
13 <Sec. \_\_\_\_\_. Section 455B.171, subsection 4, Code  
14 2011, is amended to read as follows:  
15 4. "Credible data" means scientifically valid  
16 chemical, physical, or biological monitoring data  
17 collected under a scientifically accepted sampling and  
18 analysis plan, including quality control and quality  
19 assurance procedures. Data dated more than five  
20 years before the ~~department's~~ date of listing or other  
21 determination under section 455B.194, subsection 1, by  
22 the department of natural resources or the department  
23 of agriculture and land stewardship, shall be presumed  
24 not to be credible data unless ~~the~~ that department  
25 identifies compelling reasons as to why the data is  
26 credible.>  
27 4. Page 6, by striking lines 31 and 32 and  
28 inserting:  
29 <5. The department of ~~natural resources~~ agriculture  
30 and land stewardship shall develop a methodology>  
31 5. Page 7, line 16, by striking <the either  
32 department,> and inserting <the department of  
33 agriculture and land stewardship,>  
34 6. Page 7, by striking lines 21 and 22 and  
35 inserting <of agriculture and land stewardship shall  
36 develop and maintain three>  
37 7. By striking page 7, line 31, through page 8,  
38 line 16, and inserting <list. When developing a  
39 section 303(d) list, the department of agriculture  
40 and land stewardship is not required to use all data,  
41 but ~~the department~~ it shall assemble and evaluate all  
42 existing and readily available water quality-related  
43 data and information. The department of agriculture  
44 and land stewardship shall provide documentation to the  
45 regional administrator of the federal environmental  
46 protection agency to support the state's determination  
47 to list or not to list its waters.  
48 g. The department of agriculture and land  
49 stewardship shall take into consideration any naturally  
50 occurring condition when placing or removing any

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1 water of the state on any section 303(d) list, and  
2 establishing or allocating responsibility for a total  
3 maximum daily load.

4 h. Numerical standards shall have a preference  
5 over narrative standards when determining whether  
6 a water of the state is supporting its designated  
7 use or other classification. A narrative standard  
8 shall not constitute the basis for determining an  
9 impairment unless the department of agriculture and  
10 land stewardship identifies specific factors as to why  
11 a numeric standard is not sufficient to assure adequate  
12 water quality.>

13 8. By striking page 8, line 32, through page 9,  
14 line 15, and inserting:

15 <NEW SUBSECTION. 3. The division of soil  
16 conservation of the department of agriculture and land  
17 stewardship shall administer, coordinate, and promote  
18 voluntary programs to address the total maximum daily  
19 loads assigned to nonpoint sources and agricultural  
20 sources. The department of natural resources shall  
21 implement the waste load allocations assigned to  
22 point sources in the total maximum daily load through  
23 effluent limits if such sources are required to obtain  
24 a national pollutant discharge elimination system  
25 permit by section 402 of the federal Clean Water Act as  
26 defined in section 455B.291.

27 NEW SUBSECTION. 4. The division of soil  
28 conservation of the department of agriculture and land  
29 stewardship shall prepare the water quality management  
30 plan required by 33 U.S.C. { 1329, and provide the  
31 plan, after notice and comment, to the governor for  
32 submission to the regional administrator of the United  
33 States environmental protection agency.>

34 9. Page 9, by striking lines 16 through 25.

35 10. Page 10, by striking lines 10 through 16 and  
36 inserting:

37 <Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
38 Act takes effect July 1, 2012.>

39 11. Title page, line 3, by striking <providing an  
40 appropriation,>

41 12. By renumbering as necessary.

**By MOORE of Jackson**

SENATE FILE 7

H-1404

- 1 Amend Senate File 7, as passed by the Senate, as  
2 follows:
- 3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 462A.2, subsection 24, Code  
5 2011, is amended to read as follows:  
6 24. "Operate" means to navigate or otherwise use  
7 a vessel or motorboat. For the purposes of section  
8 462A.12, subsection 2, sections 462A.14, 462A.14A,  
9 462A.14B, 462A.14C, 462A.14D, and 462A.14E, and section  
10 462A.23, subsection 2, paragraph "b", "operate", when  
11 used in reference to a motorboat, means the motorboat  
12 is powered by an outboard motor of ten horsepower or  
13 more, and is under way, and when used in reference to a  
14 sailboat, means the sailboat is either powered by an  
15 outboard motor of ten horsepower or more or has sails  
16 hoisted and is not propelled by an engine, and is under  
17 way.>
- 18 2. Page 1, after line 3 by inserting:  
19 <Sec. \_\_\_\_\_. Section 462A.14, Code 2011, is amended  
20 by adding the following new subsection:  
21 NEW SUBSECTION. 14. Notwithstanding any provision  
22 of the law to the contrary, a peace officer shall not  
23 stop a motorboat or sailboat without a particularized  
24 and objective basis for suspecting that a violation  
25 of the law has occurred which may include but is  
26 not limited to an operating violation under section  
27 462A.12.>
- 28 3. Title page, line 1, by striking <providing for>  
29 and inserting <relating to>
- 30 4. By renumbering as necessary.

**By** R. OLSON of Polk  
HORBACH of Tama

H-1404 FILED MARCH 21, 2011

SENATE FILE 470

H-1390

1 Amend Senate File 470, as passed by the Senate, as  
2 follows:

3 1. Page 3, after line 30 by inserting:

4 <Sec. \_\_\_\_\_. Section 260C.14, Code 2011, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 23. Adopt rules to waive tuition  
7 and mandatory fee charges for any student in good  
8 standing who is a resident of Iowa; is under the age of  
9 twenty-six, or under the age of thirty if the student  
10 is a qualified veteran as defined in subsection 14; is  
11 not a convicted felon as defined in section 910.15; and  
12 meets the following criteria:

13 a. Is the child of a peace officer, as defined in  
14 section 97A.1, who receives benefits under section  
15 97A.6, subsection 5, or was killed in the line of duty  
16 as determined by the board of trustees of the Iowa  
17 department of public safety peace officers' retirement,  
18 accident, and disability system in accordance with  
19 section 97A.6, subsection 16.

20 b. Is the child of a police officer or a fire  
21 fighter, as defined in section 411.1, who receives  
22 benefits under section 411.6, subsection 5, or  
23 was killed in the line of duty as determined by  
24 the statewide fire and police retirement system in  
25 accordance with section 411.6, subsection 15.>

26 2. Page 5, after line 22 by inserting:  
27 <Sec. \_\_\_\_\_. Section 262.9, Code 2011, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 36. Adopt rules that require the  
30 institutions of higher education under its control  
31 to waive tuition and mandatory fee charges for any  
32 undergraduate student in good standing who is a  
33 resident of Iowa; is under the age of twenty-six, or  
34 under the age of thirty if the student is a qualified  
35 veteran as defined in subsection 17; is not a convicted  
36 felon as defined in section 910.15; and meets the  
37 following criteria:

38 a. Is the child of a peace officer, as defined in  
39 section 97A.1, who receives benefits under section  
40 97A.6, subsection 5, or was killed in the line of duty  
41 as determined by the board of trustees of the Iowa  
42 department of public safety peace officers' retirement,  
43 accident, and disability system in accordance with  
44 section 97A.6, subsection 16.

45 b. Is the child of a police officer or a fire  
46 fighter, as defined in section 411.1, who receives  
47 benefits under section 411.6, subsection 5, or  
48 was killed in the line of duty as determined by  
49 the statewide fire and police retirement system in  
50 accordance with section 411.6, subsection 15.>

H-1390



**H-1390**

Page 2

1 3. Page 6, after line 30 by inserting:  
2 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT AND  
3 APPLICABILITY. The sections of this Act enacting  
4 section 260C.14, subsection 23, and section 262.9,  
5 subsection 36, being deemed of immediate importance,  
6 take effect upon enactment and apply to tuition and  
7 mandatory fees in effect on or after that date.>  
8 4. Title page, line 2, after <colleges> by  
9 inserting <and the state board of regents and including  
10 effective and applicability date provisions>  
11 5. By renumbering as necessary.

**By** RUNNING-MARQUARDT of Linn

**H-1390** FILED MARCH 21, 2011

**SENATE FILE 470**

**H-1401**

1 Amend Senate File 470, as passed by the Senate, as  
2 follows:  
3 1. Page 2, line 16 by striking <47> and inserting  
4 <48>

**By** BYRNES of Mitchell

**H-1401** FILED MARCH 21, 2011

SENATE FILE 233

H-1396

1 Amend Senate File 233, as passed by the Senate, as  
2 follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. Section 249A.15A, Code 2011, is amended  
6 to read as follows:

7 249A.15A Licensed marital and family therapists ~~and,~~  
8 licensed master social workers, licensed mental health  
9 counselors, and certified alcohol and drug counselors.

10 1. The department shall adopt rules pursuant to  
11 chapter 17A entitling marital and family therapists  
12 who are licensed pursuant to chapter 154D to payment  
13 for behavioral health services provided to recipients  
14 of medical assistance, subject to limitations and  
15 exclusions the department finds necessary on the basis  
16 of federal laws and regulations.

17 2. The department shall adopt rules pursuant to  
18 chapter 17A entitling master social workers who hold  
19 a master's degree approved by the board of social  
20 work, are licensed as a master social worker pursuant  
21 to section 154C.3, subsection 1, paragraph "b", and  
22 provide treatment services under the supervision of an  
23 independent social worker licensed pursuant to section  
24 154C.3, subsection 1, paragraph "c", to payment for  
25 behavioral health services provided to recipients  
26 of medical assistance, subject to limitations and  
27 exclusions the department finds necessary on the basis  
28 of federal laws and regulations.

29 3. The department shall adopt rules pursuant to  
30 chapter 17A entitling mental health counselors who  
31 are licensed pursuant to chapter 154D to payment for  
32 behavioral health services provided to recipients  
33 of medical assistance, subject to limitations and  
34 exclusions the department finds necessary on the basis  
35 of federal laws and regulations.

36 4. The department shall adopt rules pursuant to  
37 chapter 17A entitling alcohol and drug counselors who  
38 are certified by the nongovernmental Iowa board of  
39 substance abuse certification to payment for behavioral  
40 health services provided to recipients of medical  
41 assistance, subject to limitations and exclusions the  
42 department finds necessary on the basis of federal laws  
43 and regulations.

44 Sec. 2. MEDICAL ASSISTANCE STATE PLAN ---- MENTAL  
45 HEALTH COUNSELORS. The department of human services  
46 shall amend the medical assistance state plan to allow  
47 mental health counselors licensed in the state and  
48 alcohol and drug counselors certified in the state to  
49 be participating behavioral health providers under the  
50 medical assistance program.>

H-1396

**H-1396**

Page 2

1 2. Title page, by striking lines 1 through 3 and  
2 inserting <An Act relating to payment for behavioral  
3 health services provided by licensed mental health  
4 counselors and certified alcohol and drug counselors  
5 under the Medicaid program.>

**By** SCHULTE of Linn

**H-1396** FILED MARCH 21, 2011

**SENATE FILE 427**

**H-1397**

1 Amend Senate File 427, as passed by the Senate, as  
2 follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 99B.5A, subsection 1, paragraph  
5 a, Code 2011, is amended to read as follows:

6 a. "Community festival" means a festival of no more  
7 than ~~four~~ six consecutive days in length held by a  
8 community group.>

9 2. Page 1, after line 13 by inserting:

10 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The following  
11 provision of this Act, being deemed of immediate  
12 importance, takes effect upon enactment:

13 1. The section of this Act amending section  
14 99B.5A.>

15 3. Title page, line 1, after <Act> by inserting  
16 <relating to games of skill or chance, including>

17 4. Title page, line 3, after <participants> by  
18 inserting <, and including effective date provisions>

19 5. By renumbering as necessary.

**By** IVERSON of Wright

**H-1397** FILED MARCH 21, 2011



## Fiscal Note

*Fiscal Services Division*



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**HF 559** – Health Insurance Exchange (LSB 2010HV)

Analyst: Joseph Brandstatter (Phone: 515-281-8223) ([joseph.brandstatter@legis.state.ia.us](mailto:joseph.brandstatter@legis.state.ia.us))

Fiscal Note Version – New

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### **Description**

**House File 559** authorizes the creation of health benefit exchanges (HBEs) in the State. An HBE may be operated by the Iowa Insurance Division (IID) within the Department of Commerce or as a nonprofit corporation approved by the Insurance Commissioner. The Bill allows for the creation of multiple HBEs that could be regional or multi-state at the discretion of the Insurance Commissioner. The Bill requires any HBEs established to request a five-year waiver from the Secretary of Health and Human Services of the certification requirements for health benefit plans to enable the HBE to offer certain mandate-free health plans.

The Bill requires all persons that enroll in a qualified health insurance plan through the exchange to do so through a licensed insurance producer. The HBE must pay the insurance producer a fee of at least 5.0%. The Bill authorizes an exchange to select entities to serve as “navigators” and to award grants to enable navigators to conduct public education activities and guide individuals through the enrollment process. Navigators must be licensed as insurance producers or utilize the services of an insurance producer to assist in such facilitation.

An HBE is authorized to charge assessments and user fees to health carriers that offer health benefit plans through the exchange to generate necessary funding for support. Exchanges are required to make data available to the public relating to fees and administrative costs of the exchange.

If the 2010 Patient Protection and Affordable Care Act (PPACA) is repealed or ruled invalid by a federal court decision, the HBE and other requirements in this Bill are repealed twelve months following the decision.

### **Background**

The 2010 PPACA requires State-based HBEs to be established and operational by January 1, 2014. The PPACA allows States the option to establish regional or multi-state exchanges. If a State does not choose to create an exchange, the federal government will create an exchange in the State.

In September 2010, the Iowa Department of Public Health (IDPH) received a \$1.0 million planning grant from the Office of Consumer Information and Insurance Oversight (OCIIO) to start planning for the establishment of an HBE. The IDPH, IID, Department of Revenue, and the Department of Human Services (DHS) have formed a workgroup and will issue final recommendations to the Governor for the establishment of health benefit exchanges.

### **Assumptions**

Additional duties will be required of the IID with no specified funding source for increased costs or staffing levels.

The Insurance Commissioner will be charged with the determination of whether or not to operate the exchange as part of the IID or the approval of a nonprofit corporation to run the

exchange. The Insurance Commissioner will be required to consider the allowance of other exchanges in the State, regional exchanges, or multi-state exchanges at the Commissioner's discretion.

The IID is charged with developing a provider network and currently lacks the expertise or staffing levels to accomplish this. Additional staff will be required by the IID to operate an HBE if one is established internally within the Department.

The DHS will have additional costs from Medicaid expansion provisions in the PPACA that will need to be integrated with any HBEs that are established.

### **Fiscal Impact**

Due to variables such as the five-year waiver request requirement, whether an exchange will be operated as part of the IID or under the approval of a nonprofit corporation, the unspecified number of HBEs that could be established, and status of PPACA in the federal courts; the fiscal impact is unknown.

The Bill specifies that an HBE may charge assessments or user fees to health carriers that offer plans in the exchange. The IID has indicated no General Fund dollars will be needed for the costs of establishing or authorizing exchanges. The DHS will have programming and technical costs to integrate Medicaid expansion provisions with any exchange established, but a specific amount cannot be determined at this time.

### **Sources**

Iowa Insurance Division  
National Conference of State Legislatures  
Iowa Department of Public Health  
Department of Human Services

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/s/ Holly M. Lyons

March 21, 2011

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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## Fiscal Note

*Fiscal Services Division*



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**HF 300** – Property Taxation, Undeveloped Subdivisions (LSB 1901HV)  
Analyst: Jeff Robinson (Phone: 515-281-4614) ([jeff.robinson@legis.state.ia.us](mailto:jeff.robinson@legis.state.ia.us))  
Fiscal Note Version – New

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### **Description**

**House File 300** removes the three-year limit currently in place for subdivided property to be assessed only on its value as an acreage or unimproved land before being assessed at its actual value as subdivided property. With enactment of HF 300, any undeveloped lots in a subdivision would remain at the lower acreage/unimproved land assessed value until permanent structures are built, without any regard to the property's market value. This section applies to any class of subdivided property.

The Bill also removes permissive three-year and five-year limits on changes to the classification of undeveloped, subdivided property. The three-year or five-year limit is available if an ordinance is adopted by the appropriate Board of Supervisors. The five-year limit applies to counties with a population under 20,000, while the three-year limit applies to larger counties. With the change in HF 300, and with the adoption of an appropriate ordinance, undeveloped, subdivided property could remain in the presubdivided property class indefinitely.

The changes are effective beginning assessment year 2012.

### **Assumptions**

- Section 2 of HF 300, concerning assessment of plotted lots, is not limited to residential subdivisions, however, only residential property is assumed in the examples in this fiscal analysis.
- The average residential consolidated property tax rate is \$37.00 per thousand and the Uniform Levy for schools equals \$5.40 of the consolidated rate.
- A residential rollback of 50.0% is assumed.
- The average difference between the value of a lot as acreage/undeveloped property and the market value of the same lot is assumed to be \$15,000.
- The number of lots impacted by HF 300 is not known.
- The fiscal impact of the change in Section 1 of the Bill concerning housing development property classification status is not included since this benefit is only allowed if the appropriate Board of Supervisors approves the benefit. Once approved however, the Board decision would negatively impact the State School Aid appropriation and all local government entities taxing the property.

### **Fiscal Impact**

Sufficient data is not available to make a reasonable estimate of the negative impact this change would have on local revenue and the State School Aid appropriation. The following table presents fiscal impact examples at several levels of utilization, with the first line showing the impact of a single, 10-lot subdivision that remains undeveloped.

Potential Annual Tax Impact of HF 300  
Assumes an Average Assessed Value Difference of \$15,000 per lot  
Assumes a Residential Rollback of 50.0% & Average Tax Rate of \$37.00/thousand

Number of Lots	Assessed Value	Impact on State School Aid	Impact on Local Governments	Property Tax Reduction
10	\$150,000	-\$405	-\$2,370	-\$2,775
400	\$6,000,000	-\$16,200	-\$94,800	-\$111,000
2,000	\$30,000,000	-\$81,000	-\$474,000	-\$555,000
4,000	\$60,000,000	-\$162,000	-\$948,000	-\$1,110,000

[House File 300](#) could allow subdivided but undeveloped lots that have already passed the three-year time limit allowed under Code Section 441.72 to revert to an acreage/undeveloped assessment value.

[House File 300](#) could also allow developers in the future to market property in a way to take advantage of the special acreage/unimproved property value assessment on lots that remain without permanent construction. For instance, one-acre lots could be divided into two half-acre lots and sold to the same owner, with one half-acre lot used for the house and buildings and the other used as the home's yard. As long as the new owner did not construct anything permanent on the half-acre yard portion, that portion could remain taxed as acreage/unimproved property indefinitely.

**Sources**

Legislative Services Agency analysis  
Department of Revenue

/s/ Holly M. Lyons

March 21, 2011

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The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to Code **Section 2.56**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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# Fiscal Note

*Fiscal Services Division*



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**HF 377** – Brownfields Redevelopment Tax Credit (LSB 1682YH)  
Analyst: Jeff Robinson (Phone: 515-281-4614) ([jeff.robinson@legis.state.ia.us](mailto:jeff.robinson@legis.state.ia.us))  
Fiscal Note Version – New

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## **Description**

**House File 377** makes changes to the Brownfields Redevelopment Tax Credit Program created in HF 2687 (Brownfields Redevelopment Act of 2008). Additional tax credits are authorized for the Program beginning in FY 2012 and the Department of Economic Development is directed to allocate at least \$5.0 million annually from the existing aggregate dollar cap on awards issued under specified programs.

The Bill also appropriates \$200,000 in FY 2012 from the General Fund to the Community Partnership Program administered by the Department of Natural Resources.

The additional annual tax credits are effective July 1, 2011 (FY 2012).

## **Assumptions**

- At least \$5.0 million of annual demand will exist for the new tax credits.
- For FY 2012 and succeeding fiscal years, the Department of Economic Development will fully allocate the \$120.0 million in tax credits available under Code Section 15.119, with or without the addition of the new tax credits authorized in this Bill.

## **Fiscal Impact**

Allowing additional tax credits under the Brownfields Redevelopment Tax Credit Program will not increase overall tax credits awarded since the new tax credits are placed under the Department of Economic Development tax credit annual cap and it is assumed the Department will reach that cap in FY 2012 and beyond, with or without the addition of the Brownfields Program.

The Bill appropriates \$200,000 from the General Fund to the Department of Natural Resources.

## **Sources**

Department of Revenue  
Department of Economic Development

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/s/ Holly M. Lyons

March 21, 2011

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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